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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,827	04/19/2001	Ojas T. Choksi	062891.0524	2042
7590	12/09/2004		EXAMINER	
Terry J. Stalford Baker Botts, L.L.P. 2001 Ross Avenue, Suite 600 Dallas, TX 75201-2980			TORRES, JOSEPH D	
			ART UNIT	PAPER NUMBER
			2133	

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/839,827	CHOKSI, OJAS T.	
<b>Examiner</b>	<b>Art Unit</b>		
Joseph D. Torres	2133		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 June 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-25 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. 20041203
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18 and 22-25, drawn to A method for dynamically controlling frame retransmissions over a wireless link, comprising: in response to at least unsuccessfully receiving a frame for a packet from a wireless link, determining a position of the frame in a set of related frames for the packet; **determining an allowed number of retransmissions for the frame based on the position of the frame in the set of related frames;** and **requesting retransmission of the frame up to the allowed number of retransmissions**, classified in class 714, subclass 748.
- II. Claims 19-20, drawn to A method for transmitting information over a wireless link, comprising: **receiving a packet of information;** **segmenting the packet into a set of related radio frames;** **identifying the packet in each frame of the set;** **transmitting the frames over a wireless link;** and **wherein a device receiving the frames over the wireless link is operable to associate the frames with a packet based on the identifier,** to determine a relative position of a frame having a transmission error within the set of frames for the packet and to **dynamically adjust a number of retransmissions** for the frame based

on the position of the frame in the set of frames for the packet, classified in class 714, subclass 708.

- III. Claim 21, drawn to A mobile communication device, comprising: **a wireless interface operable to receive code division multiple access (CDMA) frames transmitted over a wireless link; a processor operable to identify a packet to which each frame corresponds based on information in the frames;** and the processor operable to request retransmission of a first frame for a packet up to an allowed number of retransmissions **that is less than that for a later frame for the packet,** classified in class 714, subclass 821.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group I has separate utility such as for **requesting retransmission of the frame up to the allowed number of retransmissions.** In the instant case, invention Group II has separate utility such as for **segmenting the packet into a set of related radio frames; identifying the packet in each frame of the set; transmitting the frames over a wireless link; and wherein a device receiving the frames over the wireless link is operable to associate the frames with a packet based on the identifier and dynamically adjusting a number of retransmissions.** See MPEP § 806.05(d).

Inventions Groups I-II and Group III are related as processes and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, the process of Group I requires a means for **determining an allowed number of retransmissions for the frame based on the position of the frame in the set of related frames** whereas the apparatus, Group III, is for a **wireless interface operable to receive code division multiple access (CDMA) frames transmitted over a wireless link; a processor operable to identify a packet to which each frame corresponds based on information in the frame** providing a means for a step whereby the processor operable to request retransmission of a first frame for a packet up to an allowed number of retransmissions **that is less than that for a later frame for the packet**. In this case, the process of Group I requires a means for **segmenting the packet into a set of related radio frames; identifying the packet in each frame of the set; transmitting the frames over a wireless link; and wherein a device receiving the frames over the wireless link is operable to associate the frames with a packet based on the identifier and dynamically adjusting a number of retransmissions** whereas the apparatus, Group III, is for a **wireless interface operable to receive code division multiple access (CDMA) frames transmitted over a wireless link; a processor operable to identify a packet to which each frame corresponds based on information in the frame** providing a means for a step whereby the processor operable to request retransmission

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of a first frame for a packet up to an allowed number of retransmissions **that is less than that for a later frame for the packet.**

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II and vice versa, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group III and vice versa, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group III and vice versa, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Terry J. Stalford on 12/1/2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is (571) 272-3829. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decayd can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph D. Torres, PhD  
Primary Examiner  
Art Unit 2133

